

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QVC, INC.

Plaintiff,

v.

DOUGLAS RAE, et al.

Defendants.

CIVIL ACTION NO. 15-3643

FILED

DEC - 4 2015

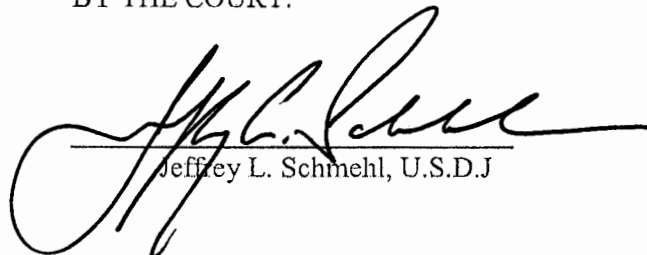
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 2nd day of December, 2015, upon consideration of the **Stipulation** attached hereto at Exhibit "A" (the "Stipulation"), and for good cause shown, it is hereby ORDERED and DECREED that:

- (1) The Stipulation is APPROVED;
- (2) Plaintiff, QVC, Inc., may serve the defendants in the Civil Action with original process in the Civil Action in accordance with Fed. R. Civ. P. 4(m) and shall have 120 days from the date of entry of this Order to serve such process; and
- (3) The remaining aspects of the Court's Order on the Motion to Intervene and Stay remain in place, namely that the parties to the Civil Action are to cease from taking any discovery, or undertaking any further actions except as set forth herein, until further order of the Court.

BY THE COURT:



Jeffrey L. Schmehl, U.S.D.J.

Exhibit A

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QVC, INC.

Plaintiff,

v.

DOUGLAS RAE, et al.

Defendants.

CIVIL ACTION NO. 15-3643

STIPULATION

Plaintiff, QVC, Inc. ("QVC"), by and through its attorneys at the law firm of Saul Ewing LLP, and the United States of America, by and through its attorneys, Zane David Memeger, United States Attorney for the Eastern District of Pennsylvania and Nancy E. Potts, Assistant United States Attorney for the Eastern District of Pennsylvania, agree and stipulate as set forth below, subject to the approval of the Court, based upon the following:

WHEREAS, on or about June 30, 2015, QVC instituted the within Civil Action (the "Civil Action") by the filing of a Complaint-Civil Action. On the same date, QVC filed a Motion to Seal the Complaint because the Civil Action, and the claims asserted against the defendants therein, is related to, and involves the same underlying conduct, a then ongoing investigation of such defendants by the United States Government under the auspices of the United States Attorney's Office for the Eastern District of Pennsylvania (the "Government"), and the release of the facts by QVC in furtherance of the Civil Action and proceedings in connection therewith could hinder, prejudice or otherwise jeopardize the investigation by the United States Government and any subsequent prosecution of any of such defendants;

WHEREAS, on September 17, 2015, a federal grand jury in this district returned an indictment charging defendant Douglas Rae with mail fraud, wire fraud and conspiracy to commit wire fraud and money laundering in a criminal case pending before the Honorable Gene E. K. Pratter of this Court (the “Rae Criminal Case”);

WHEREAS, on September 18, 2015, defendants Michael Keppler and John Hodde were charged in separate informations in cases related to the Rae Criminal Case; the Keppler and Hodde cases are also pending before the Honorable Gene E. K. Pratter;

WHEREAS, on September 18, 2015, the United States Attorney’s office filed a Motion to Intervene and Stay Civil Proceedings (the “Motion to Intervene and Stay”) in this Civil Action, requesting that the Court stay the Civil Action, because the criminal action and this Civil Action arise from the same underlying facts and permitting civil discovery to proceed would potentially jeopardize the integrity and success of the criminal prosecutions;

WHEREAS, at the request of QVC, the United States Attorney also sought, in the Motion to Intervene and Stay, that the Court’s order include a provision tolling QVC’s service obligation of the Complaint;

WHEREAS, on October 1, 2015, this Court granted the Motion to Intervene and Stay, ordering that “the parties in this matter are to cease taking discovery in the above-captioned matter until further order of the Court. It is further ordered that plaintiff’s service obligation is hereby tolled until further order of the Court.”;

WHEREAS, despite its earlier request, QVC now has concerns about the ability to serve the defendants in the Civil Action at the conclusion of the pending criminal cases against those defendants; and

WHEREAS, the United States Attorney does not object to QVC serving the defendants with the Complaint in the Civil Action.

Accordingly, it is HEREBY STIPULATED that:

1. QVC may serve the defendants in the Civil Action with original process in the Civil Action in accordance with Fed. R. Civ. P. 4; and
2. The remaining aspects of the Court's Order on the Motion to Intervene and Stay remain in place, namely that the parties to the Civil Action are to cease taking discovery until further order of the Court.

SO AGREED AND STIPULATED.

UNITED STATES ATTORNEY FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

By: 

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(610) 251-5050
Attorneys for Plaintiff QVC, Inc.

Dated: November 24 2015

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Form of Order and Stipulation was served on the following parties and counsel *via* U.S. Mail:

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/s/ Shanna Peterson O'Neal
Shanna Peterson O'Neal, Esquire

Date: November 24, 2015